IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

Crl.Rev.Pet.No. 165 of 2007()

CRA.709/2005 of ADDL. SESSIONS COURT, ALAPPUZHA
ST.1142/2004 of JUDL.MAGISTRATE OF FIRST CLASS, AMABALAPUZHA

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REVN. PETITIONER:

JOSEPH, S/O. ANTONY,
MADATHIL VEEDU,
KUNNUMMA (P.O.),
THAKAZHY,
ALAPPUZHA DISTRICT.

BY ADV. SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P

RESPONDENTS:

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1. B. VIJAYAN,
MUNDIYIKARICHIRA HOUSE,
KUNNUMMA (P.O.),
THAKAZHY,
ALAPPUZHA DISTRICT.

2. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI. C.K. SURESH.
BY ADV. SRI.SAKIR.K.H.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 12/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.R.P.NO. 165 OF 2007

Dated this the 12th day of January, 2007

ORDER

This revision petition is directed against a concurrent verdict of guilty, conviction and sentence in a prosecution under Section 138 of the N.I. Act.

2. When this revision petition came up for hearing, it is submitted at the Bar by counsel for the rival contestants that the matter has been settled and the offence has been compounded by the complainant. A joint compromise petition duly signed by the rival contestants and counter signed by their respective counsel is also filed. The learned counsel for the respondent/ complainant vouches that the signature appearing in the application for composition is that of the complainant.

3. The offence under Sec.138 of the N.I. Act is now compoundable after the amendment to the N.I. Act. I am satisfied, from the submissions made at the Bar and the joint statement filed by them, that the parties have settled their dispute amicably. I find no reason not to accept the composition.

4. **In the result:**

(a) Crl.M.A.No.553 of 2007 is allowed and the composition is accepted.

(b) The acceptance of the composition shall have the effect of acquittal of the accused of the offence punishable under Sec.138 of the N.I. Act as stipulated under Sec.320(8) of the Cr.P.C.

(c) Consequently, this revision petition is allowed. The impugned judgments are set aside. The bail bond executed by the accused shall stand discharged and he is set at liberty.

(R. BASANT, JUDGE)

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